



Attorney Docket No.: P-6464-US2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: ANDERSON, Robert S. et al.

Serial No: 10/767,459 Examiner: Not yet known

Filed: January 30, 2004 Group Art Unit: 1615

Title: SYSTEM AND METHOD FOR TREATING TISSUE

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**REQUEST FOR RECONSIDERATION OF  
PETITION UNDER 37 CFR 1.47(b)**

Mail Stop Petition  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On November 9, 2004, Applicants filed a Petition under 37 CFR 1.47(b), on the basis that the inventors have either refused or are not available to sign the inventors' declaration for the above referenced application. There are two originally named inventors in the present application: ANDERSON, Robert S. and YOUNG, Steven Randall.

In a decision dated January 5, 2005, the Office of Petitions dismissed the petition for failure to:

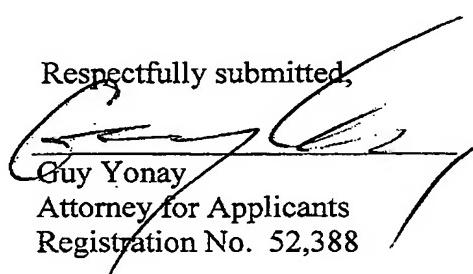
- (a) establish that inventor Young has either refused to execute the declaration or is unavailable to execute the declaration;
- (b) establish assignee's power to prosecute the application; and
- (c) state that a filing date is necessary to preserve the rights of the party or prevent irreparable harm.

Applicants are hereby submitting this Request for Reconsideration of the Dismissal and an accompanying Supplemental Statement of Guy Yonay and Statement Under 37 CFR 3.73. Applicants respectfully assert that the Supplemental Declaration and the Statement Under 37 CFR 3.73, together with the originally submitted material, fully satisfy the requirements of Rule 47(b).

Applicants respectfully request that upon reconsideration, the petition under 37 CFR 1.47(b) be granted.

If any fee is required, the undersigned attorney hereby authorizes the Patent Office to charge such additional fee to Deposit Account 50-3355.

Respectfully submitted,

  
Guy Yonay  
Attorney for Applicants  
Registration No. 52,388

Dated: March 7, 2005

**Pearl Cohen Zedek Latzer, LLP**  
10 Rockefeller Plaza, Suite 1001  
New York, New York 10020  
Tel: (212) 632-3480  
Fax: (212) 632-3490



Attorney Docket No.: P-6464-US2

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Applicants: ANDERSON, Robert S. et al.

Serial No: 10/767,459 Examiner: Not yet known

Filed: January 30, 2004 Group Art Unit: 1615

Title: SYSTEM AND METHOD FOR TREATING TISSUE

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**SUPPLEMENTAL STATEMENT OF GUY YONAY IN SUPPORT OF MOTION  
FOR RECONSIDERATION OF PETITION UNDER 37 C.F.R. §1.47(B)**

Mail Stop Petition  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. I, the undersigned, am a patent attorney with Pearl Cohen Zedek Latzer LLP ("PCZL"), which represents Lumenis Ltd. ("Lumenis" or the "Applicant") in the prosecution of US Application Ser. No. 10/767,459 ("the '459 Application") before the United States Patent and Trademark Office.

2. This Supplemental Statement supplements my Statement submitted to the USPTO on November 9, 2004.

3. Steven Randal Young's last known address is:

Steven Randal Young  
1560 Riverlake Road  
Discovery Bay, CA 94514

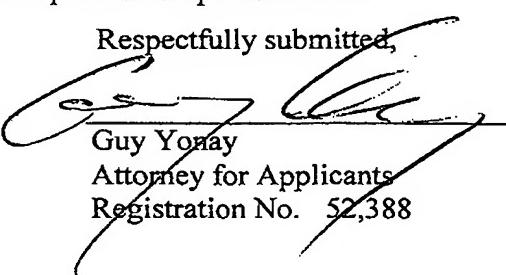
4. At least two letters were sent to Mr. Young at the above address in July and August 2004. No response was received.

5. I have also obtained Mr. Young's last known telephone number from Lumenis Ltd., his former employer and have left voice messages at that number regarding obtaining his signature on the declaration for the present Application. Mr. Young has not returned my calls.

6. Other than the address provided above and the telephone number at which I left messages for Mr. Young, neither the assignee nor I have any other contact information for Mr. Young.

7. The proprietary technology described and claimed in the application is of great commercial importance to the assignee. A filing date is necessary to preserve the right of assignee Lumenis in the application and to prevent irreparable harm.

Respectfully submitted,

  
Guy Yonay  
Attorney for Applicants  
Registration No. 52,388

Dated: March 7, 2005

**Pearl Cohen Zedek Latzer, LLP**  
10 Rockefeller Plaza, Suite 1001  
New York, New York 10020  
Tel: (212) 632-3480  
Fax: (212) 632-3490



P-61164-US2

PTO/SB/96 (6-98)

Approved for use through 09/30/2000 OMB 0651-0031  
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: ANDERSON, Robert S.

Application No./Patent No.: 10/767,459 Filed/Issue Date: January 30, 2004

Entitled: SYSTEM AND METHOD FOR TREATING TISSUE

LUMENIS LTD., a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

States that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel 015346, Frame 0362, or for which a copy thereof is attached.

OR

B  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: To:

The document was recorded in the Patent and Trademark Office at  
Reel , Frame , or for which a copy thereof is attached

2. From: To:

The document was recorded in the Patent and Trademark Office at  
Reel , Frame , or for which a copy thereof is attached.

3. From: To:

The document was recorded in the Patent and Trademark Office at  
Reel , Frame , or for which a copy thereof is attached. Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.

[NOTE]: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

March 7, 2005

Date

Roberta Kraus

Signature

Roberta Kraus

Typed or printed name

Assistant Counsel

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231



\*500011341A\*

NOVEMBER 10, 2004

PTAS

EITAN PEARL LATZER & COHEN ZEDEK LLP  
10 ROCKEFELLER PLAZA  
SUITE 1001  
NEW YORK, NY 10020

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 11/09/2004

REEL/FRAME: 015346/0362  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

## ASSIGNOR:

ANDERSON, ROBERT S

DOC DATE: 08/19/2004

## ASSIGNOR:

YOUNG, STEVE

DOC DATE: 08/19/2004

## ASSIGNEE:

LUMENIS LTD.  
C/O LUMENIS INC.  
20 WEST 55TH, 9TH FLOOR  
NEW YORK, NEW YORK 10019

SERIAL NUMBER: 10767459

FILING DATE: 01/30/2004

PATENT NUMBER:

ISSUE DATE:

TITLE: SYSTEM AND METHOD FOR TREATING TISSUE

015346/0362 PAGE 2

SHAREILL COLES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

**PATENT ASSIGNMENT**

Electronic Version v1.1  
Stylesheet Version v1.1

11/09/2004  
500011341

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNMENT

**CONVEYING PARTY DATA**

Name	Execution Date
Robert S ANDERSON	08/19/2004
Steve YOUNG	08/19/2004

**RECEIVING PARTY DATA**

Name:	LUMENIS LTD.
Street Address:	C/O LUMENIS INC.
Internal Address:	20 WEST 55TH, 9TH FLOOR
City:	NEW YORK
State/Country:	NEW YORK
Postal Code:	10019

**PROPERTY NUMBERS Total: 1**

Property Type	Number
Application Number:	10767459

**CORRESPONDENCE DATA**

Fax Number: (212)632-3489

*Correspondence will be sent via US Mail when the fax attempt is unsuccessful.*

Phone: 2126323480

Email: robertw@eplz.com

Correspondent Name: Eitan Pearl Latzer & Cohen Zedek LLP

Address Line 1: 10 Rockefeller Plaza

Address Line 2: Suite 1001

Address Line 4: New York, NEW YORK 10020

CH \$40.00 10767459

NAME OF SUBMITTER:	Robert Williams
<p>Total Attachments: 2 source=p-6464-us2#page1.tif source=p-6464-us2#page2.tif</p>	

Attorney Docket Nos: P-6464-USP, P-6464-USP1, P-6464-USP2, P-6464-USP3, P-6464-USP4,  
P-6464-US

A S S I G N M E N T

In consideration of One Dollar (\$1.00), and other good and valuable considerations, the receipt of which is hereby acknowledged, I the undersigned, ANDERSON, Robert S. residing at 547 Rhea Way, Livermore, CA 94550; Young, Steven Kandal residing at 1560 Riverlake Road, Discovery Bay, CA 94514,

I hereby sell, assign, and transfer to ILLUMENIS LTD., an Israeli company located at P.O. Box 240, Yokneam 20692, Israel, its successors, assigns and legal representatives, the entire right, title and interest for all countries, in and to any and all patentable inventions which are disclosed and claimed, and as possessed by the undersigned, any and all patentable inventions which are disclosed and legally capable of being claimed in the following United States Patent Applications:

Provisional Application Serial No. 60/403,973 filed August 16, 2002 and entitled

**METHOD OF DESTROYING UNDESIRABLE TISSUE**

Provisional Application Serial No. 60/436,334 filed December 23, 2002 and entitled

**METHOD OF DESTROYING UNDESIRABLE TISSUE**

Provisional Application Serial No. 60/436,327 filed December 23, 2002 and entitled  
**NON-INVASIVE SYSTEM AND METHOD FOR REMOVAL OF ADIPOSE TISSUE**

Provisional Application Serial No. 60/444,107 filed January 31, 2003 and entitled  
**THERAPEUTIC TREATMENT MODALITY USING EPIDERMAL AND DERMAL STRETCHING**

Provisional Application Serial No. 60/472,704 filed May 21, 2003 and entitled  
**SYSTEM AND METHOD FOR ACNE REMOVAL USING LIGHT, SUCTION AND COOLING**

Application Serial No. 10/642,037 filed August 15, 2003 and entitled  
**METHOD OF DESTROYING UNDESIRABLE TISSUE**

Application Serial No. 10/743,308 filed December 23, 2003 and entitled  
**SYSTEM AND METHOD FOR DESTROYING UNDESIRABLE TISSUE**

Application Serial No. 10/767,459 filed January 30, 2004 and entitled  
**SYSTEM AND METHOD FOR TREATING TISSUE**

(continued on next page)

Attorney Docket Nos: P-6464-USP, P-6464-USP1, P-6464-USP2, P-6464-USP3, P-6464-USP4,  
P-6464-LIS

and in and to divisional, continuation, substitute, renewal, and reissue applications on said inventions for U.S. Letters Patent or other related property rights in any and all foreign countries which have been or shall be filed on any of said inventions disclosed in said applications; and in and to all original and reissued patents or related foreign documents which have been or shall be issued on said inventions;

Authorize and request the Commissioner of Patents of the United States to issue to said Assignee, the corporation above named, its successors, assigns and legal representatives, in accordance with this assignment, any and all United States Letters Patent on said inventions or any of them disclosed in said application;

Agree that said Assignee may apply for and receive foreign Letters Patent or rights of any other kind for said inventions, or any of them; and may claim, in applications for said foreign Letters Patent or other rights, the priority of the aforesaid United States patent application under the provisions of the International Convention of 1883 and later modifications thereof, under the Patent Cooperation Treaty, under the European Patent Convention or under any other available international agreement:

COVENANT with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license, or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

  
ANDERSON, Robert S.

547 Rhea Way Livermore, CA 94550

August 19, 2004

  
YOUNG, Steve  
1560 Riverlake Rd. Discovery Bay, CA 94514  
August 19, 2004